

## **Officers Report**

### **Planning Application No: 134578**

**PROPOSAL:** Outline planning application for the erection of up to 47no. dwellings together with open space-access to be considered and not reserved for subsequent applications.

**LOCATION:** Land North of Old Gallamore Lane Middle Rasen Market Rasen

**WARD:** Market Rasen

**WARD MEMBERS:** Cllr H Marfleet; Cllr J McNeill; and Cllr T Smith

**APPLICANT NAME:** Mr Charles Pickering – Zodiak Construction Ltd

**TARGET DECISION DATE:** 13/09/2016 (extension of time agreed until 21<sup>st</sup> October 2016)

**DEVELOPMENT TYPE:** Major - Dwellings

#### **RECOMMENDED DECISION:**

That the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- Capital contribution towards primary school facilities (up to £101,487) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards health care provision, in lieu of on-site provision;
- Provision of affordable housing (type and tenure to be agreed).
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

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#### **Description:**

This application has been referred to the Planning Committee at the request of the Ward Member and in view of its recent planning history.

Outline planning permission is sought to erect up to 47 no. dwellings with associated public open space and infrastructure. Matters of scale, layout, appearance and landscaping are all reserved for subsequent approval ('reserved matters').

Matters of access are detailed for consideration with this outline permission. Vehicular access is sought directly from Old Gallamore Lane to the south of the site.

Whilst layout is a reserved matter, an illustrative masterplan has been provided (drawing 714.3/151 HDA7). It provides a possible layout for 47 dwellings, which indicates the provision of public open space (POS) to the north and north-east of the housing. The north-west grazing paddock would now be retained in private ownership. The masterplan also indicates a (minimum 7m wide) grazing paddock that would run parallel to the west and south-western boundaries.

The site comprises previously undeveloped land – predominantly meadows and grazing paddocks currently used for horses. An access track runs broadly through the centre of the site in a north-south direction, from Old Gallamore Lane to the Watermill to the north. On the east side of the track is a nursery open to visiting members of the public.

A Public Right of Way (M1dd/173/2) crosses the site broadly from the north-western corner to the south-eastern corner.

To the north of the site is the undulating River Rase. A collection of buildings, including the Grade II Listed Watermill and C3 dwelling (House at the Watermill) are located between the site and the river.

The western and southern boundaries are adjoined by residential properties. On the western boundary are residential bungalows served off Mayfield Crescent, Meadowfield and Low Church Road. The Old Vicarage to the north-western corner, is a Grade II listed building.

A number of residential properties off Old Gallamore Lane adjoin the south-western corner of the site.

This application follows the Council's previous refusal of outline planning permission for up to 53 dwellings, by notice dated 23 October 2015. A subsequent appeal against that decision (Appeal reference APP/N2535/W/15/3139041) was dismissed. A copy of the Appeal Decision letter, dated 18 April 2016, is attached as appendix A.

### **Town and Country Planning (Environmental Impact Assessment) Regulations 2011:**

The development is not development falling within either schedule 1 or 2 of the Regulations<sup>1</sup>, and does not qualify as EIA Development under the Regulations.

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<sup>1</sup> As amended by the The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015

### **Relevant history:**

**133129** – Outline planning application for the erection of up to 53no. dwellings together with open space-access to be considered and not reserved for subsequent applications. **Refused 23 October 2015 for the following reasons:**

1. The proposal is considered to represent unjustified residential development of land located within the open countryside, to the harm of its intrinsic character and beauty. Furthermore the proposal will result in the partial development of land identified as an undeveloped break between settlements within the West Lindsey Local Plan First Review (June 2006), which is considered to significantly erode the significance of the gap in sustaining the separate and individual identities and setting of the settlements of Middle Rasen and Market Rasen and would lead to the perceived coalescence of the settlements. The proposal is therefore considered to be contrary to Local Plan Policies STRAT9 - Phasing of Housing Development and Release of Land, STRAT12 – Development in the Open Countryside, Policy STRAT13 - Undeveloped Breaks between Settlements and Green Wedges Around Lincoln and NBE20 – Development on the Edge of Settlements of the West Lindsey Local Plan First Review (June 2006) and the emphasis upon sustainable development contained in the NPPF.
2. The proposal partially relates to land within Flood Zones 2 and 3 and the development is expected to exacerbate the risk of flooding elsewhere. As such the proposal is considered to be contrary to Local Plan Policy NBE14 and the NPPF.

A subsequent appeal against this decision (APP/N2535/W/15/3139041) was dismissed following a Public Hearing heard on 22 March 2016. A copy of the decision letter, dated 18 April 2016, is included at appendix A.

### **Representations in summary:**

**Middle Rasen Parish Council:** The council are of the opinion that this application has not significantly addressed the concerns in the inspectors report (following the refusal of the original application), and therefore expect that WLDC will refuse the development on the same grounds as previously. The Council are of the opinion that this is not a settlement break given that Middle Rasen continues onto Caistor Road, however the Council concur with parishioner concerns about the size of the development and the issues with drainage, flooding, services and highways access.

### **LCC Local Highways Authority and Lead Local Flood Authority:**

Recommend conditions to: secure a 1.8m wide footway; no dwellings to commence before the first 60m of estate road have been completed; to secure a surface water drainage strategy.

**LCC Rights of Way:** The Definitive Map and Statement shows Definitive Footpath (Middle Rasen) No. 173 crossing the site although this would appear amply catered for within the proposed development. It is expected that the footpath will be given a metalled surface across the site. i/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.  
ii/ The construction should not pose any dangers or inconvenience to the public using the right of way.  
iii/ If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division.

**Archaeology:** No archaeological input required.

**Environment Agency:** Have no objections, subject to planning conditions to: set finished floor levels (no lower than 300mm above the 1% annual probability flood level); secure adherence with the Flood Risk Assessment (FRA); Prohibit development within the Flood Plain Compensation Area

**Anglian Water:**

Wastewater Treatment - Market Rasen Water Recycling Centre does not have capacity: A Drainage Strategy will need to be prepared (condition recommended).

Foul Sewerage Network – Development may lead to an unacceptable risk of flooding downstream. Topography suggests a pumped solution will be required. A Drainage Strategy will need to be prepared (condition recommended).

**Ancholme Internal Drainage Board (IDB):** Would have no objection in principle to surface water being disposed of via soakaway or mains sewer system. If discharged to any watercourse – IDB consent will be required. No obstructions within 9m of a watercourse are permitted without IDB consent.

**NHS England:** Development may result in an increased patient population of 108. Market Rasen Surgery likely to be affected. The potential to gain a further 108 new patients means the level of patient care may be compromised and can become unsafe for the patient. To mitigate the impact of any increase to clinical hours and in order to make the development acceptable it would be necessary to increase the number of clinical rooms to provide for extra clinical hours. A capital contribution of £425 per dwelling (maximum for 47 dwellings £19,975) is sought to enable internal reconfigurations to achieve this.

**Local Education Authority (Lincolnshire County Council):** This development would result in a direct impact on local Schools. In this case the primary schools at Middle and Market Rasen are projected, notwithstanding the proposed development, to be full in the future to the permanent capacity of the school. A contribution (£101,487 for 9 additional primary school places) is therefore requested to mitigate against the impact of the development at local level.

**Lincolnshire Police:** Acknowledges outline application only, and offers design considerations for more detailed consideration.

**Natural England:** Has no comments to make on the application.

**Lincolnshire Wildlife Trust:** Are satisfied that there should not be any significant negative impacts on protected species as a result of the proposed development provided the consultants' recommendations are followed. It can be assumed that bats will be using the habitat corridor provided by the River Rase for foraging/commuting and so to avoid any disruption to this route, lighting in the vicinity of this area should be avoided entirely, or where necessary should be limited to low level or directional/hooded lights. We are strongly supportive of the indicated levels of green infrastructure provision within the site and the recommendations for enhancement of these areas within the Extended Phase 1 report. We would support the creation of species-rich grassland within the areas of amenity open space and along wide road verges and swales, providing green corridors throughout the site. Whilst we would support the provision of bat and bird boxes on suitable mature trees, we would also recommend that consideration is given to the inclusion of features within the built environment for biodiversity.

#### **Local Residents:**

Objections received from **63 Caistor Road; (Brook Cottage) Low Church Road; 5, 6, 8, 9 (Yarra) Mayfield Crescent; 5 Meadowfield; (Bel Mar) (Cartmel) (The Cherries) (High Hopes) (Marienfield) (Southwold Cottage) Old Gallamore Lane.** In summary:

- 47 Dwellings is too much – will lead to loss of village life;
- Site is allocated as Green Wedge in both the current and proposed Local Plans – it should be protected from development;
- Site is in flood zone 3 – not safe or sensible place to locate new dwellings;
- Insurance premiums recently doubled due to risk of flooding;
- Dyke along western edge is prone to flood without maintenance;
- Concerned that ground raising will increase run off to neighbours;
- Hedge within site is valued locally as it separates Middle and Market Rasens;
- Wildlife in site should be protected;
- Tree planting will lose openness and lead to loss of light;
- Need for such levels of housing in Middle Rasen is questioned;
- Local Health infrastructure does not have capacity;
- Will place strain on local schools;
- Access will lead to noise/nuisance to Old Gallamore Lane residents;
- Too much additional traffic on roads;
- Highway safety issues with A46 connection – traffic calming measures will be required;
- Sewage facilities will not be able to cope;
- Proposed 7m wide buffer is highly unsatisfactory;

- Question who will manage and maintain the 7m wide western 'buffer'. Will become overgrown and unkempt;
- Emerging Central Lincolnshire Local Plan will only permit edge of settlement sites of up to 25 dwellings exceptionally – the proposal are not exceptional;
- Development will pre-empt the emerging Local Plan;
- Alternative sites on the A46 are more sustainable options for new development;
- Previous reasons for refusal still outstanding.

### **Relevant Planning Policies:**

#### National guidance

(<http://planningguidance.communities.gov.uk/>)

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

#### West Lindsey Local Plan First Review 2006

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The saved policies of the **West Lindsey Local Plan First Review 2006 (WLLP)** remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- STRAT 1 Development Requiring Planning Permission  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>
- STRAT 3 Settlement hierarchy  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>
- STRAT5 Windfall and Infill Housing – Development in Market Rasen and Caistor  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat5>
- STRAT 9 Phasing of Housing Development and Release of Land  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>
- STRAT 12 Development in the open countryside  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>
- STRAT13 Undeveloped Breaks between Settlements and Green Wedges around Lincoln  
<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat13>
- STRAT19 Infrastructure requirements  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>
- SUS4 Cycle and pedestrian routes in development proposals  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>
- RES 1 Housing Layout and Design  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>
- RES 2 Range of housing provision in all housing schemes  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

- RES 5 Provision of play space/recreational facilities in new residential development.  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>
- RES6 Affordable housing provision  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>
- CORE 10 Open Space and Landscaping  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>
- NBE10 Protection of Landscape Character in development proposals  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>
- NBE 14 Waste Water Disposal  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>
- NBE19 Landfill and Contaminated Land  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe19>
- NBE20 Development on the Edge of Settlements  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe20>

### **Emerging Planning Policy**

The NPPF (paragraph 216) states that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies and the degree of consistency with the NPPF.

The **Central Lincolnshire Local Plan (CLLP)** has now been submitted to the Secretary of State for examination and is now at an advanced stage. Hearing sessions are scheduled to commence on 1<sup>st</sup> November.

Middle Rasen is proposed as a “Large Village” (policy LP2). The policy states that *“To maintain and enhance their role as large villages which provide employment, retail, and key services and facilities for the local area, [large villages] will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal of the existing urban area. In exceptional circumstances, additional growth on non-allocated sites in appropriate locations on the edge of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is the smaller).”*

The site is not proposed for residential development in the emerging CLLP. It is within an area allocated as a “Green Wedge”. Policy LP22 applies.

### **Main issues**

- Provisions of the Development Plan (STRAT3, STRAT9, STRAT12, STRAT13)
- National Policy (National Planning Policy Framework)
- Emerging Policy (Central Lincolnshire Local Plan)
- Landscape and Visual Impact / Effect on the Undeveloped Break (STRAT13, NBE10, NBE20)
- Residential Amenities (STRAT1, RES1)

- Highway Safety (STRAT1)
- Flood Risk and Drainage (STRAT1)
- Ecology (NPPF)
- Affordable Housing (RES6)
- Local Infrastructure (STRAT19, RES5)
- Archaeology and Heritage Impact (NPPF)

### **Assessment:**

#### *(i) Provisions of the Development Plan*

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

It is therefore relevant to determine as to whether the development proposal accords with the provisions of the development plan, being the West Lindsey Local Plan (First Review) in the first instance.

Market Rasen including Middle Rasen is defined as a town under policy STRAT3 – the highest category within the hierarchy. Policy STRAT5 will ‘permit’ new residential development on previously developed land within the settlement boundary of Market Rasen (including Middle Rasen) subject to meeting certain criteria.

The site comprises undeveloped meadows and paddocks. It falls to the bottom rung of policy STRAT9’s sequential approach towards prioritising previously developed land.

The site lies outside the settlement boundary for Middle Rasen. It is not allocated for residential development in the Local Plan.

Lying outside the settlement boundary, it is within the Development Plan’s definition (paragraph A99) of open countryside. Policy STRAT12 applies which states that:

*“Planning permission will not be granted for development proposals in the open countryside that is, outside of the settlements listed in Policy STRAT 3, unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies.”*

As the development is for up to 47 dwellings, it does not accord with policy STRAT12.

In addition, the site is allocated as an Undeveloped Break between settlements. Policy STRAT13 is applicable. STRAT13 states that:

*Development involving buildings, means of enclosure, or other works, will not be permitted if it would detract from the open rural character of undeveloped land which*



*provides open breaks, maintains the physical identity or prevents the coalescence, of settlements.*

and

*Within the areas defined on the Proposals Map, unless such development is essential for agricultural or other essential countryside uses and cannot be located elsewhere, it will be refused. If such development is exceptionally permitted it shall be located and designed so as to minimise harm to the character and appearance of the area.*

The development is not essential for agricultural or other essential countryside uses and does not accord with the final paragraph. The first paragraph may imply that development that would not detract from the open rural character of undeveloped land may be permissible. Nonetheless, the application seeks to develop up to 3.92 hectares of the undeveloped break for up to 47 dwellings. This by its scale and nature will detract from the open rural character of undeveloped land.

It is noted that in the April appeal decision, Inspector Schofield found that *“there would be conflict with the policy, insofar as there would be residential development in a settlement break...”*.

It is concluded that development of 3.92 hectares of the undeveloped break, in an area of open countryside would be in conflict with policies STRAT12 and STRAT13.

Development therefore falls to be refused unless there are material considerations which would indicate otherwise.

(ii) National policy

The National Planning Policy Framework (NPPF) is a material consideration. As an expression of national policy it is one that can typically be attached significant weight.

Paragraph 215 states that *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

A core principle of the NPPF (paragraph 7) is that planning should:

*“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;”*

It is considered that both policies STRAT12 and STRAT13 are consistent with that aim. The purpose of the policies are considered to be consistent with the provisions of the NPPF.

The NPPF (paragraph 49) does state that:

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

Recent case law<sup>2</sup> finds that “policies for the supply of housing” should not be narrowly defined only to policies that provide positively for the delivery of new housing. It considers that restrictive policies may have the effect of constraining the supply of housing land. Whether a particular policy of the plan, properly understood, “is a relevant policy “for the supply of housing” in the sense we have described is not a question for the court. It is... a question for the decision-maker.”

Policies STRAT12 and STRAT13 may properly be considered, on the law as it is at present, as policies for the supply of housing. Nevertheless, The latest five year housing land assessment (September 2016), produced by the Central Lincolnshire Joint Planning Team demonstrates a 5.26 year supply of housing, albeit this will be formally tested in the Local Plan examination due to commence in November. Accordingly policies STRAT12/13 should not be rendered as being not ‘up to date’ by virtue of paragraph 49.

It is accepted that the West Lindsey Local Plan First Review, as a consequence of its age, no longer has sufficient residential allocations to meet the objectively assessed housing needs of the area, in conflict with NPPF paragraph 47 which seeks to “boost significantly the supply of housing”. Because STRAT12 is applicable to all areas outside of the defined settlement boundaries, there is an inevitability that departures from the policy are required in order to meet the objectively assessed housing needs.

For this reason, the spatial application of STRAT12 may be seen as being not ‘up to date’, although it should be noted that paragraph 215 considers only the ‘weight’ to be attached to a policy, not whether or not it is ‘out of date’. However, because of its effect on constraining housing land supply, STRAT12 may be afforded less than full weight, in application of paragraph 215.

Due to its specific application, the extent to which STRAT13 may be rendered as a constraint on housing land supply, is far less obvious. Notably, the emerging Central Lincolnshire Local Plan still proposes that the site and surroundings are allocated as a “green wedge” which suggests its application is not “out of date”.

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<sup>2</sup> *Richborough Estates v Cheshire East Council* [2016] EWCA Civ 168

(iii) Emerging policy

Paragraph 216 of the NPPF states that *“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

The Central Lincolnshire Local Plan (CLLP) was submitted to the Secretary of State for examination in June. Hearing sessions are scheduled in November and December. The CLLP is therefore at an advanced stage.

Middle Rasen is proposed under policy LP2 as a Large Village, which *“will be a focus for accommodating an appropriate level of growth.”* It goes on to state that *“Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal of the existing urban area. In exceptional circumstances, additional growth on non-allocated sites in appropriate locations on the edge of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is the smaller).”*

The application site is not allocated for residential development in the CLLP. Moreover, it is allocated as a “green wedge” and policy LP22 would be applicable. LP22 states that:

*“Within the Green Wedges planning permission will not be granted for any form of development, including changes of use, unless:*  
*a. it can be demonstrated that the development is not contrary or detrimental to the [stated] functions and aims [of the green wedge]; or*  
*b. it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge.”*

Amongst the stated functions and aims is the *“Prevention of the physical merging of settlements, preserving their separate identity, local character and historic character.”*

Whilst LP22 is perhaps more permissive than policy STRAT13, the CLLP would indicate that STRAT13’s spatial application remains relevant and up to date.

The Policy LP22 Evidence Report<sup>3</sup> (April 2016) submitted with the CLLP suggests that there were no objections to the re-allocation of the green wedge between Market Rasen and Middle Rasen. No objections to this green wedge allocation were received at the Pre-submission stage, other than from the applicant who objected due to his own site not being included as a residential allocation.

It is considered therefore that LP22 can be attached a moderate level of weight in application of NPPF 216.

The accompanying Central Lincolnshire Green Wedge and Settlement Breaks Review (April 2016) concludes that

*It is recommended that a separation between Market Rasen and Middle Rasen should be retained through a [settlement break] allocation and policy in the Central Lincolnshire Local Plan. There is limited capacity to accommodate moderate or substantial new development without having a major overall adverse impact on the role and function of the SB in preventing the merging of Market Rasen and Middle Rasen and preserving their separate identity and character.*

(iv) Landscape and Visual Impact / Effect on the Undeveloped Break

As previously detailed, WLLP policy STRAT13 seeks to prohibit development that would detract from the open rural character of undeveloped land which provides open breaks, maintains the physical identity or prevents the coalescence, of settlements.

Policy NBE10 states that *“high priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the District. Development will not be permitted if it is likely to have an adverse impact on the features, setting or general appearance of the Landscape Character Areas..”*

Policy NBE20 states that *“Development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond.”*

A Landscape and Visual Assessment has been submitted with the application. In summary the LVIA concludes:

*The proposed development would fall within the northern gap character area (as identified in the LVA), lying within a small scale landscape with a high degree of containment. Development of the Site would leave a substantial gap of open countryside between Middle Rasen and Market Rasen. There would be very limited visual impact arising from the development. There would be no change with regard to the intervisibility between the settlements of Middle Rasen and Market Rasen and no*

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<sup>3</sup> <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

*significant diminution in the sense of openness of the intervening countryside.*

A significant consideration in this regard, is the findings of the Secretary of State's Planning Inspector in the recent April 2016 appeal decision.

In consideration of a slightly larger development (up to 53 dwellings) on the same site, Inspector R Schofield found:

*"The appeal scheme would be situated in the settlement break between Middle Rasen and Market Rasen, beyond the defined settlement boundary of Middle Rasen. It could not fail, therefore, to reduce physically the gap between the two settlements. In reality, however, for the reasons articulated [-], the impact upon the character and appearance of the break would be limited. I am not persuaded that there will be any actual or perceived sense of coalescence between Middle Rasen and Market Rasen."*

In reaching this position, Inspector Schofield considered *"Denser planting in the south east corner of the site would almost completely constrain any fleeting views of the site from Gallamore Lane, when heading west, and the field between Gallamore Land and Old Gallamore Lane would continue to act as a deep green buffer to the site, such that there would not be any real awareness, by passing road users, of the village extending out towards Market Rasen."*

He went on to remark *"At closer quarters, development would be visible from Old Gallamore Lane. Houses are, however, visible along the lane already, and there is a sizeable hedge between the site and the lane. The outline masterplan indicates that dwellings would not be positioned right up to the hedge. Thus, although the character of the lane would change, it would not be a stark difference."*

He acknowledges that the change experienced by users of the Public Right of Way (PRoW) which traverses the site will be significant. But, he considers *"Nonetheless, the footpath is short, being a link between two lanes, and does not traverse anything approaching the full width of the settlement break, such that users would experience any sense of a diminution of it. Nor would the development foreshorten the sense of open rurality and separation experienced when moving between the two settlements by road or the public rights of way between the settlements."*

Inspector Schofield did take into consideration the Central Lincolnshire Green Wedge and Settlement Breaks Review (April 2016), and remarks that whilst he has no reason to disagree with its conclusions, *"the Report does not rule out new development entirely and the appellant's LVIA provides a more focussed assessment of the impact of the proposed development on the settlement break, which was not an exercise carried out in the Report."*

It is considered that, due to the visually contained nature of the site, and indicative approach to landscaping (including a river “corridor” in the north east of the site) development would not run contrary to saved WLLP policies NBE10 and NBE20.

Whilst development would run contrary to STRAT13, it is a material consideration of significant weight that the Secretary of State’s Planning Inspector has previously found that development of the site would have *“little impact upon the character and function of that [settlement] break.”*

*(v) Residential Amenities*

Saved WLLP policy STRAT1 requires development to be satisfactory in regard to *“The impact on the character, appearance and amenities of neighbouring, and where relevant, other land, including visual encroachment into the countryside;”*

Saved policy RES1 requires new residential development to be satisfactory with regard to *“The impact on the amenities of nearby residential properties”*.

These policies are consistent with the NPPF’s core principle (paragraph 17) to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

In dismissing the previous appeal, Inspector Schofield concluded that the appeal proposal would *“have an adverse effect upon the living conditions of the occupiers of neighbouring dwellings, with regard to privacy, outlook and light”* and was contrary to WLLP policy RES1 and NPPF paragraph 17.

Inspector Schofield was particularly concerned with the impact upon existing properties on the western boundary noting that they have *“open or very sparse, low boundaries with the [-] site”* and very short gardens.

In order to address these concerns, the masterplan, albeit still indicative (layout is a reserved matter) has been amended. The maximum number of dwellings sought has reduced by six (from 53 to 47 dwellings). The northernmost paddock would now be retained in private ownership, thereby no longer bringing public accessibility immediately up to the rear boundaries of Nintirri and The Old Vicarage.

Proposed properties on the western boundary are now shown at a much greater distance than previously. The revised masterplan now shows that separation distances of no less than 34m can be achieved between the new properties and existing properties. This is a more than reasonable standard of separation between properties (indeed it can be noted that the separation distance between Meadowfield and Mayfield Crescent is a similar distance of around 35 metres). The properties neighbouring the western boundary are also indicated as ‘bungalows’.

In order to further address the impact on neighbouring amenities, the application proposes a 7m to 11m wide gated 'linear field' to be used as a grazing paddock and be retained in private ownership. This would effectively operate as a separation buffer between properties.

Some of the neighbours have questioned the security of this arrangement, and seek assurances for its ongoing maintenance in order it does not become overgrown.

Lincolnshire police consider the arrangement would be acceptable in an area which generally has a low level of crime.

The applicant advises that the strip will be retained and managed by the landowner.

Whilst the intent of the applicant is recognised, it is considered that the grazing strip may well be an over-engineered 'solution'. Its necessity is questionable in view that the layout already shows that a satisfactory distance of separation can be achieved, and back to back gardens are a common feature of residential areas including within the immediate locality.

It is considered that this is a feature that can be addressed with any subsequent application for reserved matters. Nonetheless, if it is deemed that the separation strip is necessary for the development to be acceptable at this stage, then consideration should be given to applying a condition to secure a scheme for the ongoing maintenance and management of this land.

In any event, it is considered that planning conditions are necessary and reasonable to apply to secure minimum separation distances to existing properties, and ensure that any new dwellings within this location are single storey properties only, as indicated.

Subject to such conditions, it is considered that this revised application has shown that development can be achieved without running contrary to policies STRAT1, RES1 and NPPF paragraph 17 in this regard.

#### (vi) Highway Safety

WLLP policy STRAT1 requires that development proposals are satisfactory in regard to *"The provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems."*

The NPPF (paragraph 32) requires that *"safe and suitable access to the site can be achieved for all people"* and that *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

Residents have raised concerns in regard to highway safety, both with access onto Old Gallamore Lane, and with Old Gallamore Lane's junction with the A46.

The accompanying Transport Statement anticipates the development will generate the following amount of trips at peak times:

	Arrivals	Departures	Combined
AM Peak (08:00-09:00)	6	16	22
PM Peak (17:00-18:00)	15	9	24

The TS concludes that there is operational capacity at the proposed junction onto Old Gallamore Lane, and the junction with the A46, to accommodate the proposed development.

The Local Highways Authority has raised no objections on highway safety grounds, although a planning condition is recommended to secure a 1.8m wide footway within Old Gallamore Lane.

Safe and adequate access to the road network can be achieved in accordance with STRAT1 and the residual cumulative impacts of the development are not expected to be severe.

(vii) Flood Risk and Drainage

A Flood Risk Assessment (FRA) has been submitted with the application, a requirement of the NPPF.

It advises that part of the site (in the north-western corner falls within flood zones 2 (medium probability - Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding) and 3 (high probability - Land having a 1 in 100 or greater annual probability of river flooding), with the risk of flooding from the River Rase.

The FRA incorporates a Sequential Test which is unable to identify any reasonably available alternative sites within the Market Rasen/Middle Rasen locality at a lower risk of flooding. Within the site itself the majority of the development is proposed outside flood zones 2 and 3 – this would accord with NPPF paragraph 103 which requires that *“within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location”*.

To pass the Exceptions Test it must be demonstrated that the development provides wider sustainability benefits that outweigh flood risk; and demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.



Following consultation with the Environment Agency, the FRA proposes a 'cut and fill' exercise. Ground levels in the north-west corner will be raised to 18.55m AOD taking the land out of flood zones 2 and 3. The Topographical survey indicates current levels in this area are down to 18.348m AOD. Compensatory storage would be provided to the north-eastern corner of the site, where Public Open Space is proposed. Finished Floor Levels would be set at 18.85m AOD.

It is considered that, the provision of a flood compensation scheme, as well as other sustainability benefits such as the provision of affordable housing, would meet the requirements of the Exceptions Test.

Notably, the Environment Agency has no objections to the proposals subject to planning conditions which would secure finished floor levels, and the mitigation measures proposed within the FRA, including the flood compensation scheme.

As development will reduce the site's permeability and increase surface water run-off, the FRA proposes an indicative surface water drainage strategy based on sustainable drainage system (SuDS) principles.

The FRA considers that *"SuDS for the site could include a combination of features which attenuate and convey water as well as infiltration based SuDS devices dependant on the relative groundwater depths, underlying soil type and locality of proposed buildings."*

The scheme has demonstrated that a SuDS solution should be feasible for the site. The Lead Local Flood Authority has requested a condition to secure details of the final drainage scheme.

Anglian Water have advised that *"The site is in the catchment of Market Rasen Water Recycling Centre which does not have the capacity available for wastewater treatment."*

They also advise of the possibility of an unacceptable risk of flooding downstream and that foul connection is likely to require a pumped solution.

Planning conditions are recommended to secure a wastewater and foul water strategy to address these matters.

#### (viii) Ecology

A Phase 1 Habitat Survey and Phase 2 Protected Species Survey has been submitted with the application.

The Survey concludes that "The site is dominated by short-sward improved grassland and bounded by occasional species-poor hedgerows with low scattered tree lines. Minor patches of species-poor unmanaged grassland were also identified on-site. As habitats in their own right, they are considered

to be of negligible to low ecological value. Loss of these habitats would have a slight to negligible effect on the biodiversity resource of the region.”

The report puts forward measures for biodiversity enhancement and habitat improvements – these would need to be secured in consideration of reserved matters for landscaping and layout.

It recommends that measures are put in place for protection of existing trees and hedges and the River Rase corridor during construction – these would need to be secured by planning condition.

The survey found no evidence of bats roosting within site but makes recommendations for bat boxes to make the most of the River Rase as a foraging corridor.

It recommends measures for the protection of nesting birds, and provision of bird boxes.

No evidence of badgers were found.

There was no immediate evidence of water voles. Evidence of otter activity was found. It concludes that there would be no effect on water vole or otter if the integrity of the river corridor is maintained.

No evidence of Great Crested Newts were found. The majority of the site is deemed unsuitable for reptiles – an unmanaged paddock was determined to be of negligible to low potential for reptiles. As a precautionary measure it recommends that the abandoned paddock is removed in a controlled manner.

Natural England have raised no objections to the proposed development.

The Lincolnshire Wildlife Trust confirm they are satisfied there would not be any significant negative impacts on protected species – and are supportive of the biodiversity enhancement and green infrastructure enhancements being proposed.

#### (ix) Affordable Housing

WLLP policy RES6 states that *“the Council will seek to negotiate in the region of a 25% contribution towards affordable housing on sites”*.

The applicant has confirmed they are willing to make a 25% contribution, although cite a preference of making a financial contribution towards meeting the need off site.

Paragraph 50 of the NPPF states that “where [Local planning authorities] have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified”

In the absence of any robust justification, this need would be expected to be met on site in the first instance.

(x) Local Infrastructure

WLLP policy STRAT19 states that:

*Proposals for the development and other use of land must take account of the need to provide on- and off-site service and social/community infrastructure and other services in accordance with the requirements of statutory undertakers and other providers of essential services. Development that increases demand on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development.*

NHS England advise that the development will result in an increase of 108 additional patients. Capacity at the nearest surgery in Market Rasen is limited – a capital contribution is sought to increase capacity. The applicant has confirmed they are willing to meet this contribution, which would need to be secured by a S106 planning obligation.

The Local Education Authority has confirmed that the development will generate need for an additional 9 primary school places, above forecasted capacity. A capital contribution is therefore sought to increase capacity. The applicant has confirmed they are willing to meet this contribution, which would need to be secured by a S106 planning obligation.

WLLP policy RES5 would require a minimum of 7.5% of the site (0.29ha) for the provision of play space / recreational facilities. The illustrative masterplan suggests that this would be achievable (approximately 1ha of Public Open Space is indicated).

(xi) Archaeology and Heritage Impact

The NPPF (Paragraph 128) states that “*Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*”

An Archaeological Geophysical Survey has been undertaken and concludes that the site has limited archaeological potential. The County Council Archaeology Department have advised that no further archaeological input would be required.

There are three listed buildings in proximity of the site:

- Grade II Listed Watermill
- Grade II Listed Old Vicarage (formerly Laretto)
- Grade II\* Church of St Peter and St Paul

The Local Planning Authority has a legal duty under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to *“have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

A Historic Environment Impact Assessment has been submitted with the application.

It concludes that *“whilst the proposed development will result in changes to elements of the setting of the [G11\*] church, it will have no impact on the significance of the listed building and there will be no harm to the setting of the listed building.”*

Regarding the Old Vicarage it concludes that *“whilst the development will result in changes to elements of the setting of the Old Vicarage, such change will not be harmful, and it will have no impact on the significance of the listed building. Further it is noted that care has been taken to ensure that the location of proposed housing and the disposition of open space and retention of grazing paddock is such that views from the Old Vicarage over paddock towards the water mill will be preserved.”*

It concludes that *“whilst the development will result in changes to elements of the setting of the water mill, such changes will not be harmful, and that the proposed development will have no impact on the significance of the listed building.”*

It is concluded that the development will preserve the setting and interest features of the nearby Heritage Assets.

### **Overall Planning Balance and Conclusions**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The application site is within an area defined as open countryside and within an area defined as an *“Undeveloped Break between Settlements”* in the West Lindsey Local Plan (First Review) 2006.

It is found that a development of up to 47 dwellings would be in direct conflict with policies STRAT12 and STRAT13 accordingly.

The application falls to be refused unless there are material considerations which would indicate otherwise.

The NPPF requires (paragraph 49) that Housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 14).

The development would not meet the first bullet-point of the presumption test – it does not accord with the development plan.

The second bullet point is applicable *“where the development plan is absent, silent or relevant policies are out-of-date”*.

The development plan is neither silent nor absent. As to whether the relevant policies are “out of date” is a matter for the decision maker. However, STRAT13 is considered to be consistent with the provisions of the NPPF. Its spatial application has been reviewed as part of the evidence base for the emerging Central Lincolnshire Local Plan (CLLP). The CLLP is at an advanced stage of preparation and there are not outstanding unresolved objections to the application of the Market Rasen / Middle Rasen ‘green wedge’, with the exception of the applicant. It is considered that STRAT13 is not “out of date” and the second bullet point of the presumption test need not be engaged.

Nonetheless, it is a material consideration, to be attached substantial weight that a Government Planning Inspector has found only recently that development of the site (for a more intensive development from that now proposed) would have little impact upon the character and function of that break. Consequentially, the extent to which there is conflict with the purpose and aims of STRAT13 is much reduced.

Middle Rasen is seen as a sustainable location to accommodate some growth. Grouped with Market Rasen, policy STRAT3 classifies it as a Town, the highest point on the settlement hierarchy. The emerging CLLP classes it as a “Large Village” “a focus for accommodating an appropriate level of growth”.

The majority of the site would be in flood zone 1 (low probability). Positive measures are produced to provide a flood compensation scheme.

The traffic and highways impacts of the development would not be severe.

The development would deliver 47 dwellings towards an identified need. The applicant has agreed to a 25% contribution towards affordable housing (equating up to 12 dwellings if provided on site). These are matters of substantial weight, when taking into account the NPPFs aim to significantly boost the supply of housing.

The applicant has agreed to make capital contributions towards addressing the local shortfall in primary school and healthcare provision.

The site is assessed to be of low ecological value.

It has been shown that a satisfactory separation distance from existing properties can be achieved. Development would no longer be considered likely to have a significantly adverse impact upon the amenities presently enjoyed at neighbouring properties.

Overall, it is considered that the benefits of development, alongside the Planning Inspector's previous findings that development of the site would have little impact on the character and function of the Undeveloped Break" are material considerations that would justify a departure from the provisions of the Local Plan.

### **RECOMMENDED DECISION:**

That the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- Capital contribution towards Primary School facilities (up to £101,487) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards Health care provision, in lieu of on-site provision;
- Provision of affordable housing (type and tenure to be agreed).
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

### **Conditions requiring reserved matters and stating the time by which the development must be commenced:**

1. No development shall take place until, plans and particulars of the **layout, scale and appearance** of the buildings to be erected, and the **landscaping** of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

**REASON:** The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**REASON:** To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

3. The development to which the permission relates must be begun not later than the expiration of two years from the final approval of the

reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**REASON:** To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or require matters to be agreed before the development commenced:**

4. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

b) Provide attenuation details and discharge rates which shall be restricted to the green field run off rate;

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

**Reason:** In order to minimise the risk of flooding in accordance with the provisions of the National Planning policy Framework.

5. No development shall take place until a wastewater and foul water strategy for the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full before the dwellings are first occupied.

Reason: To ensure satisfactory drainage of the site in accordance with West Lindsey Local Plan First Review Policy STRAT1 and NBE14.

6. No development shall take place until the proposed finished floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority. These shall be no lower than 300mm above the 1% annual probability flood level, taking into account the appropriate climate change allowance figures from the latest published advice available at that time.

**Reason:** To reduce the risk of flooding to the development and future occupants, in accordance with West Lindsey Local Plan First Review Policy STRAT1 and the National Planning Policy Framework.

7. With the exception of the proposed finished floor levels, the development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: 880704-R2(05)-FRA dated June 2016. In particular, compensatory flood storage must be implemented as identified in section 8.3 of the FRA to provide compensatory storage volumes in accordance with Table 8.1, within the outline in Appendix H. No development shall take place within the flood plain compensation area that would prevent provision of the volume of storage required within the 200mm slices of Table 8.1. The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

**Reason:** To prevent flooding on site or elsewhere by ensuring that compensatory storage of flood water is provided, in accordance with West Lindsey Local Plan First Review Policy STRAT1 and the National Planning Policy Framework.

8. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (i) the routing and management of construction traffic;
  - (ii) the parking of vehicles of site operatives and visitors;
  - (iii) loading and unloading of plant and materials;
  - (iv) storage of plant and materials used in constructing the development;
  - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (vi) wheel cleaning facilities;
  - (vii) measures to control the emission of dust and dirt during construction;
  - (viii) details of noise reduction measures;
  - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;



- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) Measures for tree and hedgerow protection;
- (xii) Measures to protect the River Rase corridor (as per section 6.3 of the Extended Phase 1 Habitat Survey and Phase 2 Protected Species Survey);
- (xiii) Measures to ensure no encroachment onto the public right of way, or pose any dangers or inconvenience to its users;
- (xiv) A Construction Environmental Management Plan (CEMP) to ensure the protection of habitats and protected species.

**Reason:** In the interests of amenity and in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review.

9. The details to be submitted in accordance with condition no. 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas (excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management in accordance with the principles set out at Section 6.0 of the Extended Phase 1 Habitat Survey and Phase 2 Protected Species Survey by Landscape Science Consultancy Ltd. Development shall thereafter proceed in accordance with the approved details.

**Reason:** In the interests of amenity and biodiversity, in accordance with the provisions of the National Planning Policy Framework.

10. No development shall take place until a scheme for the provision of a public footpath across the whole frontage of the site and along the extent of Old Gallamore Lane to connect to the existing footpath (opposite Woodhill Cottage, Old Gallamore Lane) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include: uncontrolled crossing points; and arrangements to dispose of surface water runoff from the highway (at the frontage of the site). The scheme/ works shall be implemented and completed in accordance with the approved details before the first dwelling on site is first occupied or in accordance with a phasing arrangement agreed with the Local Planning Authority in writing before works commence on site.

**Reason:** To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

11. No dwellings hereby permitted shall be commenced before the first 60 metres of the estate road from its junction with the public highway including visibility splays has been completed.

**Reason:** To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

**Conditions which apply or are to be observed during the course of the development:**

12. Access to the site shall be provided in accordance with drawings 714.3/15G and 47067221-MR-SK-002 D within the appendices of the Transport Statement by Aecom.

**Reason:** To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

13. No works shall take place involving the demolition of any existing buildings or the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless it has been thoroughly checked for any nests and nesting birds by a suitably qualified person who has confirmed in writing to the Local Planning Authority that there are no active nests present.

**Reason:** To protect biodiversity in accordance with the recommendations of the Phase 1 Habitat Survey and in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

14. No trees or hedges shall be removed from the site without the prior written agreement of the Local Planning Authority.

**Reason:** In the interests of amenity and protection of habitats, in accordance with the provisions of the National Planning Policy Framework.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

15. No dwelling within 50 metres of the western-most boundary of the application site shall include habitable rooms at first floor or above.

**Reason:** In accordance with the illustrative masterplan, in order to protect the amenities of neighbouring residents, in accordance with policy STRAT 1, RES1 of the West Lindsey Local Plan and the National Planning Policy Framework.

16. Development shall proceed in accordance with the Travel Plan by Aecom. Prior to the occupation of any dwelling, details of the Travel Plan Coordinator shall be submitted to the Local Planning Authority. Copies of the annual monitoring reports shall be supplied to the Local Planning Authority.

**Reason:** In order to promote sustainable modes of transport, in accordance with the provisions of the National Planning Policy Framework.

### **Notes for the applicant**

The submitted Flood Risk Assessment (FRA) ref: 880704-R2(05) has not taken into account the climate change allowance advice published by the Environment Agency on GOV.UK on 19 February 2016. This should be used to inform the finished floor levels unless it has been superseded by the time of submission of the reserved matters.

### **Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

### **Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report